REMARKS

This Preliminary Amendment is filed in response to the FINAL Rejection mailed on April 3, 2006, and in the Request for Continued Examination (RCE) filed on even date herewith. All objections and rejections are respectfully traversed.

Claims 1-28, and 54-68 are in the case.

Claims 29-53 were cancelled without prejudice.

No claims were amended.

New claims 54- 68 were added to better claim the invention.

Request For Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

At Page 2 of the FINAL Office Action the Examiner stated:

> "Since Applicant fails to traverse the examiner's assertion of official notice, official notice is taken as admitted prior art"

This statement by the Examiner apparently refers to the Official Notice mentioned in the Office Action mailed on October 13, 2005, at Page 9, with reference to Claim 28, where the Examiner states:

> "Official Notice is taken that using electronic messages is very well known in the art"

Applicant respectfully notes that in the Amendment filed on January 5, 2006, at Page 1, first Paragraph, Applicant states"

"All objections and rejections are respectfully traversed."

Also the statement: "All objections and rejections are respectfully traversed." is repeated in he Amendment filed on January 5, 2006, at Page 15, first paragraph under "REMARKS".

Accordingly, Applicant respectfully urges that the Official Notice was traversed, and the Official Notice should be withdrawn. This general traverse applies against all objections and rejections set forth in the subject Office Action.

However, Applicant does agree that electronic messaging is well known in the art.

Applicant further urges that Applicant's claimed ***volume*** is patentably distinct from the RAID groups which the cited Patent by Chu discloses, as explained in more detail herein below.

At page 2 of the FINAL Office Action claims 1-4, 7, 8, 13-16, 19, 23, and 25-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Chu U. S. Patent No. 6,346,954 issued February 12, 2002.

The present invention, as set out in representative claim 1, comprises in part:

> 1. A system for reporting information related to predetermined storage volumes in a network, the system including at least one storage appliance comprising:
>
> ***a monitor process that identifies volumes and retrieves statistical information with respect to the volumes***, each volume including a cluster of physical storage disks and defining a logical arrangement of storage space;
>
> an interface adapted to enable a plurality of selected volumes to be associated with a group, the group independent of a physical arrangement of physical storage disks in the network; and
>
> a reporting process that organizes and displays the statistical information with respect to the volumes associated with the group to interested parties.

Chu, as explained at page 16 of the Amendment filed by Applicant on January 5, 2005, is described as follows.

"Chu discloses a method for managing a RAID system that may have a number of drive arrays, each array including multiple disk drives. *See* col. 1, lines 30-35, col. 6, lines 33-42, and Fig 3. Information concerning an array is displayed to a user graphically in an "array frame, an iconic representation of a data storage array [that] may be graphically displayed in response to user selections." *See* col. 6, 53-56. For example, "in Fig 6, array A frame 90 graphically displays and [sic] iconic representation of data storage array A including five physical drive ID1, ID2, ID3, ID4, and ID4 selected by the user." *See* col. 8, lines 51-55. If a user wishes to manage other drive arrays of the RAID system, the user must switch to another array frame in the graphical user interface. *See* col. 6, lines 52-60."

In particular, Chu discloses managing a plurality of RAID systems, where the RAID systems are organized across a plurality of disks, as shown in Chu's Fig. 7 and Fig. 8.

In sharp contrast, Applicant claims ***a monitor process that identifies volumes and retrieves statistical information with respect to the volumes***.

Applicant respectfully urges that the RAID systems which Chu discloses are patentably distinct from Applicant's claimed ***volumes***.

In the "Response to Arguments" section of the FINAL Office Action at pages 12-13, the Examiner states:

'Chu teaches "reporting process that organizes and displays the statistical information with respect the volume associated with group." '

However, Applicant respectfully urges that Chu is silent concerning any disclosure of a ***volume***. Chu only discloses implementing a plurality of RAID systems across a set of physical disks.

As set out in Applicant's Specification at page 2 lines 1-7, a "volume" is described as:

"A filer is organized so that it includes one or more of storage "volumes" that comprise a cluster of physical storage disks, defining an overall logical arrangement of storage space. Currently available filer implementations can serve a large number of discrete volumes (for example 150, although this number is subject to increase). Each volume is generally associated with its own file system (WAFL for example). The disks within a volume/file system are typically organized as one or more groups of Redundant Array of Independent (or *Inexpensive*) Disks (RAID)." Specification Page 2, lines 1-7)

Applicant respectfully urges that from this definition of a "volume", as claimed by Applicant, a ***volume*** is a subdivision of a RAID system. As stated in the quotation

above, "Currently available filer implementations can serve a large number of discrete volumes (for example 150, although this number is subject to increase)."

That is, 150 or more volumes may be implemented on one RAID system.

Accordingly, Applicant respectfully urges that the disclosure in Chu cannot anticipate Applicant's claimed ***a monitor process that identifies volumes and retrieves statistical information with respect to the volumes***.

Further, Chu is silent concerning Applicant's claimed novel ***a monitor process that identifies volumes***.

As pointed out by Applicant in the above quotation from Applicant's Specification, a large number of volumes may be implemented on a single RAID system. Chu is totally silent concerning any subdivision of his RAID systems.

Accordingly, Applicant respectfully urges that Chu is legally precluded from anticipating Applicant's claimed novel invention having ***a monitor process that identifies volumes*** under 35 U.S.C. 102(b), because of the total absence from Chu of any disclosure of Applicant's claimed novel ***a monitor process that identifies volumes***.

At page 9 of the FINAL Office Action, claims 5-6, 9-12, 17-18, 20-22, 24, and 28 were rejected under 35 U.S.C. 103(a) over Chu.

Applicant respectfully notes that claims 5-6, 9-12, 17-18, 20-22, 24, and 28 are all dependent claims, and are dependent from independent claims which are believed to be in condition for allowance.

Accordingly, claims 5-6, 9-12, 17-18, 20-22, 24, and 28 are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

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Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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